IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODPUR

ORDER

S.B. Criminal Misc. Petition No.1452/2007

(Om Prakash Vs. State)

Date of Order : 20th September, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.D. Goswami for the petitioner
Mr. Ashok Upadhyay, P.P. for the State

Issue notice for final disposal. Mr. Ashok Upadhyay, public Prosecutor accepts the notice on behalf of respondent State. With the consent of learned counsel for the parties, the criminal misc. petition itself is heard and decided at the admission stage.

By the instant misc. petition under Section 482 of the Code of Criminal Procedure, 1973 (for short "the Code" hereinafter), the petitioner has challenged the Order dated 12.07.2007 passed by the learned Sessions Judge, Hanumangarh (for short "the Revisional Court" hereinafter) in Criminal Revision No.74/2007, whereby the Revisional Court directed to dismental 'Jugad' (locally manufactured vehicle) to

the extent that not to reassemble and after dismental, the scrap be auctioned in the presence of the Investigating Officer and the Investigating Officer shall deposit the amount of auction price to the State fund.

I have heard learned counsel for the petitioner and the learned public prosecutor for the State.

In my view, the order impugned to the extent directing dismental of 'Jugad' (locally manufactured vehicle) found plying on the road unauthorizedly, without there being registration, to the extent not to reassemble after dismental is justified, however, the order directing to deposit the amount of auction price to the State fund appears to be erroneous.

In this view of the matter, the impugned order is modified to the extent that amount of auction price be handed-over to the petitioner by the concerned Investigating Officer.

The criminal misc. petition stands disposed accordingly.

(H.R. PANWAR), J.

vij

S.B. Criminal Misc. Petition No.1452/2007

(Om Prakash Vs. State)

Date of Order : 20th September 20, 2007

HON'BLE MR. H.R. PANWAR, J.

Mr. S.D. Goswami for the petitioner
Mr. Ashok Upadhyay, P.P. for the State

Since, the main petition itself has been decided, the stay application also stands disposed of.

(H.R. Panwar), J.

vij